

Message Text

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UNCLAS STATE 139899

FOLLOWING REPEAT IAEA VIENNA 5370 ACTION SECSTATE INFO
GERMANTOWN USUN GENEVA OTTAWA LONDON 18 JUN

QUOTE

UNCLAS IAEA VIENNA 5370

E.O. 11652: N/A
TAGS: PBOR, SENV, IAEA
SUBJECT: IAEA BOARD OF GOVERNORS - OCEAN DUMPING CONVENTIONS

REF: A. IAEA VIENNA 4906 B. STATE 118150

1. SUMMARY: BOARD FAILED TO AUTHORIZE DG TO TRANSMIT
PROPOSED AGENCY DEFINITION AND RECOMMENDATIONS PURSUANT
TO LONDON CONVENTION, PRIMARILY DUE TO OBJECTIONS FROM
THOSE MEMBERS (E.G., CANADA, SWEDEN, AUSTRALIA)
WHICH FELT THAT PROPOSALS DID NOT GO FAR ENOUGH IN
DISCOURAGING OR LIMITING SEA DISPOSAL OF RADIOACTIVE
WASTES. WHEN EFFORTS TO FIND COMPROMISE FORMULATION
WHICH WOULD PERMIT TRANSMITTAL ON SOME INTERIM OR
PROVISIONAL BASIS APPEARED TO BE FOUNDERING, DG
TERMINATED DISCUSSION BY OFFERING TO WITHDRAW DOCUMENT
FOR FURTHER REVISION BY SECRETARIAT, WITH ASSISTANCE OF
UNCLASSIFIED

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EXPERTS IF REQUIRED, AND RESUBMISSION TO SEPTEMBER
BOARD. END SUMMARY.

2. DG INTRODUCED DOCUMENT GOV/1679 BY NOTING THAT

DRAFT DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE UNSUITABLE FOR DISPOSAL AT SEA, AND RECOMMENDATIONS REGARDING DISPOSAL AT SEA OF OTHER RADIOACTIVE WASTE, WERE BASED ON RESULTS OF AGENCY PANEL WHICH MET IN MARHC 1973 AND ON COMMENTS ON ITS REPORT RECEIVED FROM SEVERAL GOVERNMENTS AND TWO INTERNATIONAL ORGANIZATIONS. NATURE THESE COMMENTS POINTED TO NEED TO REVIEW AND REFINED RECOMMENDATIONS AT EARLY DATE AND CERTAIN COMMENTS OF SUBSTANCE HAD NOT RPT NOT BEEN INCORPORATED BY SECRETARIAT, BUT HAD BEEN HELD FOR FURTHER PANEL TO CONSIDER IN 1975. HE ANTICIPATED SUPPORT FOR THIS PANEL FROM UNEP. IMMEDIATE REQUIREMENT WAS FOR BOARD APPROVAL THIS DOCUMENT AS PROVISIONAL FULFILLMENT OF REQUIREMENTS OF LONDON CONVENTION, TO PROVIDE BASIS FOR FUTURE AGENCY WORK ON SUBJECT, AND TO ASSIST NEXT PANEL WHEN IT MET. WHILE DOCUMENT WAS NOT FINAL WORD, BUT RATHER FIRST APPROACH TO PROBLEM, BOARD MUST RELIZE THAT IF ACTION POSTPONED PENDING ANOTHER PANEL, YEAR DELAY (UNTIL JUNE 1975) WAS MINIMUM THAT WOULD BE EXPECTED, AND IT WOULD NOT RPT NOT BE DESIRABLE IF SUMMER 1974 LOS CONFERENCE SHOULD CONSIDER MATTER, OR LONDON CONVENTION COME INTO FORCE, AND FIND AGENCY LACKING IN EXECUTING TASKS GIVEN IT.

3. DEBATE THEREAFTER BROKE INTO TWO GENERAL PARTS, SPREAD OVER THREE SESSIONS AFTER SEVERAL SUSPENSIONS AND RESUMPTIONS. DURING FIRST PART OF DEBATE, SEVERAL DELS (INCLUDING UK, SWITZERLAND, INDIA, FRG, CZECHOSLOVAKIA, USSR, SOUTH AFRICA) INDICATED THAT THEIR GOVERNMENTS STILL HAD SOME RESERVATIONS OR QUESTIONS AND STRESSED IMPORTANCE OF REVIEW WHICH DG PLANNED FOR 1975, BUT STATED ALSO THAT THEY FELT BOARD COULD APPROVE DOCUMENT AS PROVISIONAL FULFILLMENT OF REQUIREMENTS OF CONVENTION, IN VIEW OF LIKELIHOOD OF UNACCEPTABLE DELAY SHOULD BOARD AWAIT PREPARATION OF MORE FINAL VERSION. SEVERAL OTHER DELS (INCLUDING UNCLASSIFIED

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FRANCE, SWEDEN, AUSTRALIA, CANADA, ITALY, COSTA RICA), WHILE ACCEPTING DESIRABILITY OF TIMELY BOARD ACTION, OBJECTED TO THIS BOARD SESSION AUTHORIZING DG TO TRANSMIT DOCUMENT WITH ANY APPEARANCE OF BOARD APPROVAL; SOME SPOKE AT LENGTH REGARDING SUBSTANTIVE PROBLEMS WHICH THEIR GOVERNMENTS HAD WITH DOCUMENT AS IT STOOD. MAIN SUBSTANTIVE POINTS OF INTERVENTIONS DURING THIS PART OF DISCUSSION WERE:

4. SOUTH AFRICA RAISED QUESTIONS REGARDING APPLICABILITY OF DILUTION MODEL USED BY EXPERTS, AND STATED POSSIBLE EFFECTS ON MARINE LIFE REQUIRED FURTHER CONSIDERATION AT LATER DATE.

5. SWITZERLAND STATED THAT TECHNICAL SUBSTANCE OF DOCUMENT APPEARED SATISFACTORY, THAT ORDERS OF MAGNITUDE STATED CORRESPONDED TO REQUEST MADE IN CONVENTION, AND CORRESPONDED TO WHAT COULD BE REQUIRED IN FACT.

6. CANADA (AMBASSADOR BEESELY, WHO IS ALSO CANADIAN REP TO LOS CONFERENCE) BEGAN LONG INTERVENTION WITH STATEMENT OF BASIC CANADIAN POSITION REGARDING OCEAN DUMPING, I.E., OPPOSITION TO ALL DUMPING OF RADIO-ACTIVE WASTES AND IN FAVOR OF LAND-BASED SYSTEMS OF DISPOSAL WHERE MATERIALS COULD BE MONITORED OR RETRIEVED IF NECESSARY. CANADIAN AUTHORITIES DID NOT RPT NOT EXPECT TO ISSUE LICENSES FOR SEA DISPOSAL IN FORESEEABLE FUTURE. HE ADMITTED THAT CANADA COULD TAKE SUCH ABSOLUTE POSITION BECAUSE IT WAS VAST COUNTRY WITH PLENTY OF ROOM FOR LAND DISPOSAL. IF SEA DUMPING NEVERTHELESS TO CONTINUE, CANADA FELT IT SHOULD BE SUBJECT TO MOST STRINGENT REGULATION POSSIBLE; FURTHER STUDY AND DISCUSSION OF PRESENT DRAFT WERE REQUIRED BEFORE BOARD WOULD HAVE DOCUMENT WHICH GOC COULD APPROVE IN GOOD CONSCIENCE. STANDARDS SET IN PRESENT DOCUMENT WERE QTE TOO LIBERAL AND PERMISSIVE UNQTE, AND HE FELT THAT THERE WAS STILL TIME BEFORE MATTER BECAME PRESSING. LONDON CONVENTION WAS NOT RPT NOT ABOUT TO COME INTO FORCE, AND HE COULD ASSURE BOARD THAT LOS CONFERENCE HAD GREAT DEAL TO DO BEFORE UNCLASSIFIED

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IT CONSIDERED THIS MATTER; RECORD CLEARLY SHOWED THAT AGENCY HAD NOT BEEN IDLE AND THIS SUFFICED FOR PRESENT. HALF LOAF, IN THIS MATTER, WAS CLEARLY NOT RPT NOT BETTER THAN NONE; CANADA WORRIED THAT IF BOARD GAVE BLESSING TO ANY PARTIAL OR INCOMPLETE APPROACH TO PROBLEM, THIS WOULD APPEAR TO SANCTION DUMPING, WHILE CANADA FELT THAT STRICTEST STANDARDS POSSIBLE WERE ONLY ONES THAT IT COULD ACCEPT. CANADA HAD FOLLOWING SPECIFIC COMMENTS ON SUBSTANCE OF DOCUMENT, IN WHICH SHE CONCURRED WITH AUSTRALIA:

A. DOCUMENT SHOULD CONTAIN AGENCY RECOMMENDATION THAT DUMPING SHOULD PROCEED ONLY RPT ONLY UNDER INTERNATIONAL OBSERVATION. COMMENT: THIS GOES BEYOND PROVISIONS OF CONVENTION ITSELF. END COMMENT.

B. RADIATION PROTECTION PHILOSOPHY USED IN FORMULATION OF RECOMMENDATIONS SHOULD BE STATED, AND CANADA WOULD LIKE TO SEE ABSOLUTE ICRP PHILOSOPHY ADOPTED, I.E., THAT ANY RADIATION EXPOSURE WAS HAZARD WHICH SHOULD NOT RPT NOT BE ACCEPTED WITHOUT CORRESPONDING BENEFIT.

C. SAFETY PRACTICES REGARDING MATERIAL DUMPED SHOULD BE MORE CLEARLY STATED; CANADIAN VIEW WAS THAT WHEN DEALING WITH LOW CONCENTRATIONS OF RADIOACTIVITY, SAFETY LAY IN RAPID DISPERSION AND DILUTION.

D. DEFINITION OF WHAT CONSTITUTES RADIOACTIVE MATERIAL FOR PURPOSES OF CONVENTION SHOULD BE MORE CAREFULLY SPECIFIED.

E. REGARDING LAYOUT OF DOCUMENT, BACKGROUND AND ADVISORY MATERIAL SHOULD BE CLEARLY KEPT APART FROM DEFINITIONS AND RECOMMENDATIONS CALLED FOR BY CONVENTION. CANADA FELT THAT ALL OF ABOVE DIFFICULTIES, EXCEPT PERHAPS RECOMMENDATIONS FOR INTERNATIONAL OBSERVATION, COULD BE RESOLVED WITHIN FRAMEWORK OF 1973 PANEL RECOMMENDATIONS, AND FELT THAT, AT MINIMUM, DOCUMENT SHOULD BE DEFERRED AT LEAST UNTIL SEPTEMBER BOARD SESSION TO PERMIT FURTHER CONSIDERATION BY GOVERNMENTAL UNCLASSIFIED

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PANEL WHICH WOULD ALSO INCLUDE SCIENTISTS AND OCEANOGRAPHERS.

7. IN INTERVENTION ALMOST EQUALLY LONG, AUSTRALIA ENDORSED FIVE MAIN SUBSTANTIVE POINTS MADE BY CANADA (A-E ABOVE). AUSTRALIA FELT THAT DISCUSSION WAS UNDERLAIN BY SUBSTANTIVE DISAGREEMENT OVER ADEQUACY OF RECOMMENDATIONS IN DOCUMENT, BUT FELT ALSO THAT PRESENT DOCUMENT COULD BE MADE ACCEPTABLE INTERIM MEASURE WITHOUT INTRODUCTION OF NEW TECHNICAL MATERIAL IF REWRITTEN BY SECRETARIAT BASED ON CONCEPTS AND MODELS USED BY 1973 PANEL, WITH ASSISTANCE OF EXPERTS IF REQUIRED, FOR RESUBMISSION TO SEPTEMBER BOARD, OR AT LATEST FEBRUARY 1975 BOARD SESSION. IF SECRETARIAT ELECTED THIS OPTION, AUSTRALIA WAS PREPARED TO MAKE AVAILABLE SENIOR EXPERT, WHO CHAIRED 1973 PANEL, TO ASSIST.

8. SWEDEN EXPLAINED THAT NATIONAL LAW PROHIBITED DUMPING WITHIN SWEDISH TERRITORIAL WATERS, OR FROM SWEDISH SHIPS ON HIGH SEAS. SWEDEN HAD URGED THAT OTHERS FOLLOW SAME COURSE IN OTHER INTERNATIONAL BODIES, AND HERE, SWEDEN URGED CONSERVATIVE APPROACH, POSSIBLY EXTENDING TO LOWERING LIMITS CONTAINED IN DOCUMENT BY ONE ORDER OF MAGNITUDE. HE NOTED THAT LONG-TERM EFFECTS OF DUMPING WERE NOT YET WELL-KNOWN, AND ALSO THAT DUMPING WAS IRREVERSIBLE METHOD OF DISPOSAL. ACCORDINGLY, IF MAGNITUDE OF CURRENT ACTIVITY LIMITS WERE MAINTAINED, THERE WAS NEED TO DEFINE LOWER QUANTITY LIMITS FOR INDIVIDUAL DUMPS AND PROCEDURE FOR "INTERNATIONAL CONTROL" OF PERMITS PURSUANT TO

CONVENTION; IF ACTIVITY LIMITS WERE LOW ENOUGH, HOWEVER, THERE WOULD BE NO NEED FOR NEW LOWER QUANTITY LIMITS FOR INDIVIDUAL DUMPS. FINALLY, SWEDEN FELT THAT RADIATION PROTECTION VIEWS IMPLICIT IN DOCUMENT APPLIED ONLY TO NORTHEAST ATLANTIC; THIS RAISED QUESTIONS REGARDING VALIDITY OF ASSUMPTIONS AND SAFETY FACTORS IN REPORT. HE CALLED FOR BOARD TO MAINTAIN RESTRICTIVE ATTITUDE IN ORDER TO MINIMIZE DUMPING, FELT THAT THERE WAS GENERAL AGREEMENT IN FAVOR OF MORE CONSERVATIVE APPROACH, AND WHILE HE UNCLASSIFIED

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UNDERSTOOD SECRETARIAT RELUCTANCE TO START MATTERS AGAIN FROM BEGINNING, FELT THAT PRESENT DOCUMENT COULD BE USED AS WORKING PAPER FOR FURTHER WORK BY EXPERTS AND GOVERNMENT OFFICIALS AND AS BASIS FOR REVIEW OF MATTER.

9. DURING ABOVE DISCUSSION, DG INTERVENED TO EXPRESS SERIOUS RESERVATIONS ABOUT SECRETARIAT UNDERTAKING TO REDRAFT DOCUMENT, WITH OR WITHOUT EXPERT ASSISTANCE, FOR SEPTEMBER BOARD ON GROUNDS THAT DIVERGENT VIEWS COULD BE NO MORE EASILY HARMONIZED IN SUCH REDRAFT THAN HAD BEEN ACCOMPLISHED TO DATE. HOWEVER, DISCUSSION THEN BEGAN TO DEVOLVE INTO PROCEDURAL MUDDLE. AUSTRALIA AND CANADA PROPOSED REDRAFTED LANGUAGE FOR PARA 4(B) OF RECOMMENDED BOARD ACTION CONTAINED IN DOCUMENT, AND PARTIES TO DISCUSSION BEGAN TO SEEK MEANS OF A) AUTHORIZING DG TO TRANSMIT DOCUMENT TO UK, AS DEPOSITARY FOR LONDON CONVENTION, AS MEANS OF DEMONSTRATING DEGREE TO WHICH AGENCY WORK HAD PROGRESSED WHILE (B) MAKING IT CLEAR THAT BOARD WAS NOT IN ANY WAY FORMALLY APPROVING IT, EVEN ON INTERIM OR PROVISIONAL BASIS OR SUBJECT TO REVIEW, AND THAT SEVERAL BOARD MEMBERS CONTINUED TO HAVE SERIOUS RESERVATIONS ABOUT CONTENT. MAIN HANGUP IN THIS DISCUSSION WAS INSISTENCE BY SOME (E.G., FRG) ON ONE HAND THAT BOARD SHOULD NOT AUTHORIZE TRANSMITTAL OF DOCUMENT WITH ANY INDICATION THAT IT WAS INCOMPLETE OR INADEQUATE, AGAINST INSISTENCE BY OTHERS (E.G., AUSTRALIA, CANADA) THAT TRANSMITTAL NOT RPT NOT IMPLY ANY BOARD APPROVAL ON POINTS WHICH THEY QUESTIONED. EFFORTS OVER LUNCH BREAK TO FIND LANGUAGE ACCEPTABLE TO ALL HANDS FAILED. IN END, DG TERMINATED DISCUSSION BY VOLUNTEERING TO DO WHAT HE HAD EARLIER RESISTED, I.E., IT WITHDRAW DOCUMENT FROM BOARD IN ORDER TO REDRAFT IT, WITH ASSISTANCE OF EXPERTS IF AND AS NECESSARY, AND RESUBMIT IT TO BOARD IN SEPTEMBER.

10. COMMENT: MISSION FEELS THAT ABOVE DISCUSSION REPRESENTED POOR PRACTICE FOR NUMBER OF PARTICIPANTS. AS DEPT. AWARE, DG HAS INVITED COMMENT ON THIS MATTER

FROM MEMBER STATES TWICE SINCE 1973 PANEL MET AND
UNCLASSIFIED

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REPORTED; DOCUMENT WAS PRESENTED TO BOARD ONLY WITH
UNDERSTANDING THAT CERTAIN REMAINING QUESTIONS OF
SUBSTANCE RAISED BY US, AMONG OTHERS, WOULD BE SUB-
MITTED TO FURTHER PANEL EARLY IN 1975 FOR RESOLUTION.
FORCEFUL OPPOSITION TO BOARD APPROVAL OF THIS
DOCUMENT AT THIS SESSION WAS FIRST THAT ANYONE HAD
HEARD FROM GOVERNMENTS OF AUSTRALIA AND CANADA IN
WAY OF COMMENT ON DRAFT PAPER. IN ADDITION, MISSION
UNDERSTANDS THAT JAPAN FINALLY SUBMITTED COMMENTS
ON DRAFT PAPER ON DAY FOLLOWING BOARD MEETING. MISSION
IS FORCED TO AGREE THAT ABOVE DISCUSSION ABOUT WHETHER
AND HOW BOARD COULD AGREE TO AUTHORIZE DG TO TRANSMIT
PAPER, ON ANY BASIS AT ALL, TO UK AS DEPOSITORY FOR
LONDON CONVENTION WAS BASED ON A GOOD MANY SUBSTANTIVE
DIFFERENCES REGARDING CONTENT OF PAPER ITSELF,
DIFFERENCES WHICH IT MAY WELL TAKE MORE THAN SECRETARIAT
REDRAFT TO RESOLVE, ALSO, IF REDRAFTING EXERCISE IS
BEGUN, IT MAY RAISE AGAIN QUESTIONS RELATED TO
PREVIOUS SUBSTANTIVE COMMENTS FROM US, SWEDEN AND
SOME OTHERS WHICH HAD BEEN DEFERRED IN ORDER TO SUBMIT
THIS PAPER TO THIS SESSION OF BOARD. MISSION WILL
REPORT FURTHER AS WE LEARN OF SECRETARIAT PLANS AND
INTENTIONS FOR REDRAFTING OF PAPER, BUT IN ANY EVENT,
MISSION FEELING IS THAT, UNFORTUNATELY, PROSPECTS FOR
SUCCESSFUL TERMINATION OF THIS PART OF THE EXERCISE BY
SEPTEMBER BOARD SESSION DO NOT, IN LIGHT OF RECORD OF
THIS DISCUSSION, LOOK VERY BRIGHT. END COMMENT. PORTER
UNQUOTE SISCO

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<< END OF DOCUMENT >>

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